UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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PATSY'S BRAND, INC.,

                        Plaintiff,

   -against-

I.O.B. REALTY, INC., PATSY'S INC.,
FRANK BRIJA, JOHN BRECEVICH, and
NICK TSOULOS,

                        Defendants.

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99-CV-10175 (KMW)

<u>ORDER</u>

KIMBA M. WOOD, United States District Judge:

On November 15, 2024, Plaintiff moved to hold Adem Brija ("Respondent") in civil contempt for failure to comply with a permanent injunction order. (Pl. Mot., ECF No. 530.) Respondent filed an opposition brief on December 3, 2024, ECF No. 533, and Plaintiff filed a reply on December 17, 2024, ECF No. 535.

On January 29, 2025, the Court set a supplemental briefing schedule on the motion for civil contempt. (Opinion & Order, ECF No. 544.) As relevant here, the Court ordered Defendants and Respondents, including Adem Brija, to file a supplemental opposition brief by April 16, 2025. *Id.* at 5.

On March 4, 2025, Respondent filed a *pro se* motion to dismiss Plaintiff's motion to hold him in civil contempt. (Resp't. Mot., ECF No. 546.) Respondent's motion to dismiss is denied as untimely. Respondent filed an opposition to the motion in December 2024, and thereby waived his opportunity to move to dismiss. Moreover, Respondent bases his motion to dismiss on arguments immaterial to the current proceeding, including ad hominem attacks on Plaintiff's

counsel. Pursuant to Federal Rule of Civil Procedure 12(f), the Court strikes the entirety of the motion to dismiss.

The Court encourages Respondent to promptly retain counsel in this matter to best represent his interests in a manner that complies with the procedural rules of this district and this Court.

The Clerk of Court is respectfully directed to close the pending motion at ECF No. 546.

Mr. Bailey is directed to provide a copy of this Order to Adem Brija by email as soon as practicable.

SO ORDERED.

Dated: New York, New York
      March 7, 2025   */s/ Kimba M. Wood*
                                                          KIMBA M. WOOD
                                         United States District Judge